

March 22, 2018



Talbot County Planning Commission
Final Decision Summary

Wednesday, February 7, 2018 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer Jr., Chairman
Paul Spies, Vice Chairman
Michael Sullivan (absent)
William Boicourt
Phillip "Chip" Councill

Staff:

Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Martin Sokolich, Senior Planner
Mike Mertaugh, Assistant County Engineer
Mary O'Donnell, Assistant County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Boicourt called the meeting to order at 1:15 p.m.

2. Decision Summary Review—December 7, 2017—The Commission noted the following corrections to the draft decision summary:

- a. Line 192, They will stay the same until it is replaced and repealed by a standalone noise ordinance. Commissioner Boicourt was unsure who said this. **Mr. Les Wagoner of Easton was the speaker.**
- b. Line 255, covenants should be lower case.
- c. Line 417, should read: "The town and Commission should not be in the dilemma they are in now. When the proposal...."
- d. Line 418, insert the word he between surfaced and offered: "...surfaced he offered a letter to the Town..."
- e. Line 419, add and after developed
- f. Line 425-427, Regarding the 5-Year Hold, add in a line about the letter for matter of record:

Commissioner Boicourt proposed the Commission write a letter to the County Council explaining the issues the Commission has with the zoning and why.

- g. Line 674, delete "it was discussed" add "that the importance of the environment is a commonly held view and it is certainly agreed that the idea of diminishing the number of septic fields is a no brainer."
- h. Line 678, delete the words "for four years".
- i. Line 682, in between the words "and" and "here" insert yet, so that it reads: "and yet here we are".
- j. Line 683, change to read: The idea that here in the last six weeks here we are going to assume that risk without thorough analysis."

- 54 k. Line 692, delete the words “also the” and insert the words: “But there is an
55 accompanying risk to rural character and he values both.”
56

57 **Commissioner Boicourt moved to approve the draft Planning Commission**
58 **Decision Summary for December 7, 2017, as amended. Commissioner Spies**
59 **seconded the motion. The motion carried unanimously.**
60

61 **3. Decision Summary Review**—January 3, 2018—The Commission noted the
62 following corrections to the draft decision summary:

- 63 a. Line 141-142, delete “does not know” through end of sentence and replace with:
64 “Commissioner Fischer stated he prefers to discuss the amendments to Resolution
65 250 prior to discussing Bill 1378.”
66 b. Line 502, Mr. Girard’s name is spelled with an “i”
67 c. Line 900, delete words “to make sure”.
68 d. Line 902, word “state” should be “statement”
69 e. Line 903, “they” should be “we”.
70 f. Line 905, delete word “included” insert “described as eligible for sewer”.
71 g. Line 909, corrected to read: “but he has misgivings about doing it in haste a point
72 which has been expressed by some people here today.”
73 h. Line 913, correct to read: “We have been dealing with zoning and careful
74 planning to preserve the rural character since 1953 since the Depot was proposed
75 at Wade’s Point.
76 i. Line 919, the word “spent” should be replaced by the word “had”
77 j. Line 920, add “d” to aske to make it past tense “asked”
78 k. Line 930, should be “ESLC” not “SLC”
79 l. Line 931, the words “is hurry and you” can be deleted, so that it reads: “They are
80 not leaving time to ask all the questions you need to ask.”
81 m. Line 933, correct to read: “Yet they have not been contacted by our County.”
82 n. Line 949 – the fifth word should be “all” not “the”.
83 o. Line 964 – change “blow up” to “have”
84 p. Line 1033 – replace “Callahan” with “Councell”

85 Page 26 Clarify votes – **“The Commission voted 5-0 for the WHEREAS**
86 **paragraphs** (top six paragraphs on page).

87 **The Commission voted 4-1 for the “Subject to” paragraph** (last paragraph
88 on the bottom of the page). (Fischer - against)

89 **Commissioner Councell moved to forward the two sections as**
90 **recommendations to the County Council. Commissioner Spies seconded**
91 **the Motion.**
92

93 **Commissioner Spies moved to approve the draft Planning Commission**
94 **Decision Summary for January 3, 2018, as amended. Commissioner Boicourt**
95 **seconded the motion. The motion carried unanimously.**
96

97 **4. Old Business** — None.
98
99

100 **5. New Business**

- 101
- 102 a. Major Site Plan—Fairview Congregation Church of the Brethren—11243 Chapel
- 103 Road, Cordova, Maryland 21625 (map 42, grid 20, parcel 38, zoned Agricultural
- 104 Conservation), Brett Ewing, Lane Engineering, LLC, Agent.
- 105
- 106 b. Modification to Special Exception—Fairview Congregation Church of the
- 107 Brethren—11243 Chapel Road, Cordova, Maryland 21625 (map 42, grid 20,
- 108 parcel 38, zoned Agricultural Conservation), Brett Ewing, Lane Engineering,
- 109 LLC, Agent.
- 110

111 Mr. Tarleton presented the staff report of the applicant's request for a Major Site

112 Plan for the church expansion existing of a two story structure and a basement

113 totaling 4,160 sq.ft. of Gross Floor Area (GFA) locate at 11243 Chapel Road,

114 Cordova, Maryland. The addition will have a total footprint of 1,692 sq.ft. The

115 fully enclosed church addition will provide additional space for an expanded

116 sanctuary on the first floor, additional classrooms on the second floor, and an

117 expanded fellowship hall in the basement.

118

119 The applicant is also requesting waivers of the following code sections listed

120 below in order to construct the lateral addition to the existing church. The sections

121 of the *Talbot County Code* that the applicant is requesting waivers for are as

122 follows:

- 123 1. §190-122 B.(3)(b) – Landscaped parking islands.
- 124 2. §190-122 B.(3)(e) – Landscaped parking borders.
- 125 3. §190-122 D.(1) – Street trees.
- 126 4. §190-128 C. Table V-3 – Off-street parking requirements.
- 127 5. §190-128 F.(4)(e) – Utilization grass/turf parking for intermittent,
- 128 temporary or low intensity uses.
- 129 6. §190-128 G. – Bicycle parking.
- 130 7. §190-128 H.(1) – Loading areas.
- 131

132 Lastly, the proposed Major Site Plan is associated with a request for a

133 Modification to the existing Special Exception use and a variance of the front

134 yard setback (18-673).

135

136 Staff recommendations include:

137

- 138 1. The applicant shall be required to obtain a variance from the Board of Appeals
- 139 for the front setback associated with the Agricultural Conservation zoning
- 140 district in order to construct the addition.
- 141 2. The applicant shall be required to obtain approval of the Modification to a
- 142 Special Exception use to allow for the expansion of the church.
- 143 3. The applicant shall address the January 10, 2018 Technical Advisory
- 144 Committee comments from the Departments of Planning and Zoning, Public
- 145 Works, Environmental Health, and Talbot Soil Conservation District.

- 146 4. The applicant shall make applications to and follow all of the rules,
147 procedures, and construction timelines as outlined by the Office of Permits
148 and Inspections regarding new construction.
149 5. The applicant shall commence construction on the proposed improvements
150 within twelve (12) months from the date of final approval.
151

152 Mr. Brett Ewing, Lane Engineering, LLC, along with Richard Hutchison, church
153 member, represented the church. Mr. Ewing gave a brief overview of the project.
154 Mr. Hutchison presented the Commission with a history of the church.
155

156 Mr. Mertaugh stated from the stormwater management control there is a
157 preference of a hard surface to control runoff. There is some overflow parking in
158 grass. He has some concerns especially if the church is enlarged and the
159 membership grows. Commissioner Boicourt asked how many spaces are on the
160 gravel? Mr. Hutchison stated there are three handicapped spaces on gravel. There
161 are travel lanes on gravel. On a rainy day, like today, there might be standing
162 water, and you might get tire tracks, but they do not stay. Parking has been very
163 successful the way it is and it has only been there 125 years. The slope runs back
164 toward the farmland. Commissioner Fischer stated he was there Sunday and there
165 were approximately 75 cars parked there and he noticed the soil was draining well
166 despite the rain that day.
167

168 Commissioner Spies was in support because of the benefits of the handicapped
169 accessible bathrooms and adding access for a larger population. There are more
170 pros than cons.
171

172 Commissioner Fischer stated with the graveyard being right on the edge of the
173 road, there it is no way to get street trees in without disturbing the site.
174

175 Commissioner Fischer asked for public comment. There was none.
176

177 **Commissioner Spies moved to approve the Major Site Plan for Fairview**
178 **Congregation Church of the Brethren, 11243 Chapel Road, Cordova,**
179 **Maryland, with all staff conditions being complied with. Commissioner**
180 **Boicourt seconded the motion. The motion carried unanimously.**
181

182 **Commissioner Spies moved to grant the Waivers for Fairview Congregation**
183 **Church of the Brethren, 11243 Chapel Road, Cordova, Maryland, with all**
184 **staff conditions being complied with. Commissioner Boicourt seconded the**
185 **motion. The motion carried unanimously.**
186

- 187 c. Modification to Special Exception—Fairview Congregation, Church of
188 Brethren—11243 Chapel Road, Cordova, Maryland 21625 (map 42, grid 20,
189 parcel 38, zoned Agricultural Conservation), Brett Ewing, Lane Engineering,
190 LLC, Agent.
191

Commissioner Spies move to recommend the Board of Appeals grant the Modification to the existing Special Exception to for Fairview Congregation Church of the Brethren, 11243 Chapel Road, Cordova, Maryland. The motion carried unanimously.

d. NextStep190—Talbot County Zoning Ordinance and Zoning Maps

Mr. Salinas explained that this was a public hearing of the latest revision of Chapter 190, Zoning Land Development and Subdivision Regulations, which has been posted to our NextStep190 website for public viewing. We will take a break later this afternoon and continue the public hearing at 5:00 p.m.

Commissioner Fischer reiterated that today from 1:00 p.m. to 4:00 p.m. is a public hearing and there will be a second public hearing at 5:00 p.m. today. There will be a workshop between now and the 22nd of February. On February 22nd there will be a workshop with the County Council and Planning Commission.

Dawn Andrews, of Easton, stated she read the first draft and was very appreciative because there was an amendment made. She referred to Section 33.11 (pg 145) regarding poultry, waterfowl and game birds. She stated pens are hard to move. Hens are grazers. If they are allowed to move they are much more nutritious. Caging defeats the purpose. Her hens have a coop on wheels with a solar powered movable fence. The fence protects them from foxes, raccoons and her neighbor's dog. They move every couple of weeks to give them fresh pasture in their yard. Caging would not be a healthy environment. When you cage the hens you have a problem with odors. As far as a noise nuisance you don't have a problem with noise unless a predator is near. She stated she does not have a problem with dogs, she lives in the country. The number of birds may be considered no more than three months per calendar year while raising young birds. She is raising young birds to replace her aging hens. On lots of 1-5 acres no more than twelve chickens, game birds, etc... Why only 12 chickens? Where is the science? Hens love to live in groups. Even hens know there is safety in numbers. In the best conditions a hen will lay 3-5 eggs a week. Commissioner Fischer asked if she had a number in mind. Ms. Andrews stated Anne Arundel allows on her size property 112 chickens, she does not want that many. She lives among many predators and it takes six months to replace her hen. Commissioner Boicourt stated this is of interest to him and will be revisited. Commissioner Councell stated the last thing he wants to do is get involved with chickens, but we have had complaints and we have to deal with them. Ms. Andrews says she does not have a rooster. She also knows that once you put this Code into effect, she has a neighbor who will be calling and have the County out to her house whether she is a nuisance or not. Commissioner Councell asked what she thinks is a realistic number.? Ms. Andrews says a person on 1 acre could have 30 chickens. Commissioner Councell asked how many does it take for her family? Ms. Andrews said 30 would be good. She has never had less than 12.

Leslie Steen, Camper Circle, Tilghman, requested the Zoning Commission adopt language to prohibit amplified music outdoors in restaurants in the Village Mixed Zone (Section 29.3). There are a total of eight restaurants in the County that could have music. Along Knapps Narrows there are six properties that could have outdoor music. Within a small area about a mile long problems erupted in 2009. The Department of Planning and Zoning issued a letter to the Bridge Restaurant. She stated you have been considering the negative impact and noise caused by jet skis, farm based recreation, roosters and short term rentals. The draft Code contains restrictions and mechanisms to control noise associated with inns, bed and breakfasts, marinas, yacht clubs and country clubs. Any change that would permit music outdoors to occur in Tilghman would remove the peaceful enjoyment of residential properties. Music outdoors is not happening today and is not allowed today other than four (4) events a year at Harrison's Chesapeake House. The established prohibition should be made transparent in our Zoning Code so it does not require herculean efforts on the behalf of the residents and the staff of Talbot County to enforce.

Commissioner Fischer clarified she is asking for a total prohibition of outdoor music? She stated that the quarters in Tilghman are so close that it is impossible to enforce without huge efforts.

Zach Smith and Dr. James Haynes of the Langdon Farm asked to allow Inn use in the RC Zone. This is a very historic property subject to a conservation easement which needs investment to bring it up to what it once was. Currently the property is owned by the bank. The structure onsite is very large, 12,000 sq. ft. and would need investment to renovate and to operate. Dr. Haynes sees this property as a tourism destination, but to make the property successful up to 16 guestrooms would be requested for consideration. Allowing Inn uses in the RC zone, where large historic homes existed before the Critical Area, make this use appropriate in these areas.

Dr. Haynes stated because of the size of the property the best use is a B&B. This is a great time to go into the hospitality industry, especially with Talbot County's emphasis on tourism. This is a grand property which has been neglected over the years. He would like to bring this property back to its grandeur. Noise will not be a factor.

Doak Conn, Wharf Road, Tilghman, stated he supports the request against outdoor music. He brought the court order to the Commission's attention. Noise continues to be an ongoing issue. Village of Tilghman consists largely of residential structures contiguous to or very near some type of hospitality or other commercial activity. This proximity impacts peaceful enjoyment when amplified outside music is present. Three hundred feet from Chesapeake House and 450 feet from the Crab Deck ,music can be heard inside his house with the windows closed and A/C on. It is impossible to have outside music without impacting someone. The sound intensity at any given location is a function of wind direction and

284 speed. Retirees and weekenders have become an increasing demographic in the
285 last 20± years. A lot of the part time people who don't show up in the
286 demographics spend a lot of money. He hopes the Commission can find a way to
287 prohibit amplified outdoor music in standalone and hotel restaurants.
288

289 Lynn Brookhouser, Camper Circle said thank you for the opportunity to provide
290 some input to Code 190, Section 29.3. Village Mixed, Tilghman. He is in support
291 of the request that restaurants be prohibited from having amplified outdoor music.
292 Outdoor music has spoiled the peaceful enjoyment of their homes. Four of the
293 five restaurants in the Tilghman Village Mixed Zone are on the water. The
294 Village Mixed Zone contains numerous homes which are negatively impacted by
295 restaurants with amplified outdoor music. The County does respond to Tilghman
296 noise complaints as can be shown by records from the Sheriff's Office, the Board
297 of Appeals and the Liquor Board. The responses are always after the peace has
298 been broken and often delayed because of higher priority issues. A better
299 approach is what has been proposed today; a new code for restaurants in the
300 Village Mixed Zone contain the following statement "no amplified music outdoor
301 shall be permitted."
302

303 Robert Ebel, Tilghman, professional Economist. He suggested we look at the
304 economics of outdoor music. There is plenty of economic evidence that a free
305 market relationship between buyers and sellers leads to a welfare gain in
306 economic efficiency. If I am in a restaurant and I buy a meal, that does not make
307 any difference to the people in the bar or at another table. The issue is, most
308 economic activities, there are costs and benefits that are often external to an
309 activity. These externalities are what we call neighborhood spillover effects.
310 Some of these spillover effects may be beneficial. Restaurants enhance property
311 value. I want them to succeed and be sustained. My property value increases but
312 so do my taxes. This is not the case with neighborhood spillover costs. Some costs
313 are being transferred to adjacent neighbors because of adjacent activity, such as
314 trash and outdoor music. With outdoor music there is private bargaining to
315 compensate for bearing of extra noise. This does not work for large bargaining
316 groups. Three approaches are typically used. Some places set up a code to
317 measure decibels, but someone must be there on the spot as it happens. Another
318 option is setting out certain hours. The very hours that the restaurant is imposing
319 its external cost on the neighborhood is when the neighborhood is trying to
320 achieve peace and quiet. The third option is to appeal to the Planning and Zoning
321 Commission to step in and internalize those external costs. It is not the optimal
322 solution, but the only solution left to prohibit the outdoor music.
323

324 Travis Hutchison, Cordova, supports Dawn Andrews' comments. Commissioner
325 Councill asked what he thinks is a good number. He said his wife has had thirty
326 chickens.
327

328 Susan Payne, one of 10 children that own a parcel in Bellevue. She has read
329 through some of the requirements in the proposed Code update. Section 35.5,

street light requirements are her concern. Her family has a little more than 11 acres located on the Tred Avon in Bellevue. At the time her parents purchased the property it had, on paper, twenty-nine to thirty parcels. When sewage came through they were allotted 30 caps, but parcels were small compared to today's market. Staying within the nature of the rural Bellevue area and also the fact that they have attended many meetings, they are trying to only have at most 14 parcels. They are working with Sean Callahan at Lane Engineering and trying to follow as many of the rules and regulations as possible. Sidewalks and street lights may be required. We don't know whether it will be considered a major subdivision or a minor. No one in Bellevue wants this.

John Ripple, stated he and his sister went to quite a few meetings the last year and a half about overlays and what requirements there would be for this subdivision in the village. Does this change everything they have been talking about for the past year and a half?

Mr. Salinas stated that 35.B. includes some discretion regarding street lights. Mr. Mertaugh stated that since these are existing lots of record this might not be a subdivision, it might be a Revision Plat, and the street lights and sidewalks might not apply.

Commissioner Fischer stated this is discretionary and he cannot imagine this change to the rules will cause you a problem.

Peter Kennedy, Fairbank, 4934 Fairbank Rd, Zoning of Villages. There is a lot of discussion of the character of the villages and the character of the County. He is concerned with what we are doing long term and multi-generationally to these people. He said they did not reach out to the County and say they were having trouble and we needed to preserve an eroding character. Rezoning to VH or VR hurts their culture. There were no fisherman, no village owners on any of the boards he met. In the beginning they were told if they did not want change none would be forced on them. We still have a chance to fix this and that is what they want to do. He went to a great deal of effort to collect votes and had them sent to Martin for integrity. When that vote originally took place Martin counted there were 14 people that wanted VC which is now VM, there were only 6 that wanted VH and there were 13 that wanted VR. He stated he was told there is no chance of remaining VC or VM, so the least restrictive measure would become VH. So the 14 people who wanted no change, let's put them in the VH category, That would make 20 VH, 13 VR. Since then he has contacted new residents who have moved in and those who did not vote the first time around. He will leave the new votes with Martin today. The new total is 25 for VH and only 13 for VR. He is asking to incorporate this information into the planning process. He has been told that what happened in the past was unfortunate and those votes don't mean anything, they don't carry any weight. He finds that unfortunate and disturbing. Commissioner Councell asked if he means the votes that were sent to Mr. Sokolich? Mr. Kennedy confirmed. Commissioner Councell said to put that aside, that did not

376 come from this Planning Commission. This is a public meeting and it does matter
377 what is said here today. Mr. Kennedy asked Commissioner Fischer if they had
378 exchanged emails on this? How did he indicate? Commissioner Fischer said in his
379 email to Mr. Kennedy his understanding was he was told his comments would be
380 incorporated in the decision that was made. Mr. Kennedy stated he received
381 information from Mr. Sokolich that the information would not be included in the
382 presentation. Mr. Sokolich stated he did not know what presentation he was
383 referring to. Mr. Kennedy stated what he is putting up to the Commission is as
384 what their Village wanted, which is not the case. Mr. Sokolich stated that the
385 Planning Department tried to make suggestions to the people who were actually
386 going to make decisions. It was nothing more than advice until the elected
387 officials make a vote on what the village will be. Mr. Kennedy stated he
388 understands that, but are the elected officials going to be made aware of the count
389 within Fairbank? Mr. Sokolich stated he made sure this afternoon those numbers
390 were in place and sent them directly to the County Council. He stated they are the
391 ultimate deciders. Mr. Kennedy stated their Village voted primarily to stay VC,
392 secondarily they voted to stay VH. He saw a recommendation that they chose VR
393 and that is not accurate. It was asked where he saw that. Mr. Kennedy said it was
394 online. Mr. Sokolich stated the online document is a recommendation from the
395 Planning Department to the County Council. Commissioner Fischer stated the
396 preference of the citizens will be a part of the decision. Mr. Kennedy also stated
397 that the Village Boards did not always share proper information to the citizens.
398 For example on NextStep190 there are fourteen pages that describe land use and
399 there are one hundred and fourteen pages that describe the requirements for
400 special exceptions. That detail was very rarely made obvious to the people by the
401 VC Board or in the various meetings. It is hard to make clear to people what they
402 can and can't do. They see a box with an "S" and think they can get it done, not
403 realizing the thousands of dollars it will take to get it done. This is not a fair
404 representation of the villages in general. A lot of the people don't have the time
405 but this still affects their lives. When we come and make comments he would like
406 us to understand and incorporate that those who aren't here, those people are the
407 ones who drew all of us here today. We are trying to protect the culture as well as
408 the character of our villages. Mr. Kennedy stated he also has property in Bar
409 Neck. He wants to fully retire in Bellevue, have a custom furniture business. His
410 wife wants to have a greenhouse and do gardening, sell things on a stand at the
411 head of their driveway. All those things that draw people to the villages are what
412 he wants to protect. Commissioner Fischer asked if there are things he has in
413 mind that are not permitted under VR? Mr. Kennedy said he is concerned that this
414 kind of regulation discontinues a business that is just beyond cottage. Or because
415 of some of the other restrictions some businesses get prevented from operating
416 because of the hassle a local person would have to go through. He is asking
417 whatever bill gets put forward to the County Council would not lump the villages
418 into groups but would vote on each village individually.

419
420 Will Smith, physician, resident of Bar Neck, prepared written testimony which he
421 presented to the Planning Commission. He requests a VH zoning designation for

Bar Neck. There are three historic villages on Tilghman Island: Tilghman, Fairbank, and Bar Neck. Economic activity in the village, they have had it, have it and want to continue it. They don't see a rationale for sudden change. Community sentiment in Bar Neck is not divided, it is unanimous. People want local industry close to where they work. Bar Neck is a mix of residential, with the livelihood tied to land. Vicky Fischer moved back to care for her invalid grandfather. She is an art teacher and wants to open an art academy. Walter Bartman, an internationally known artist wrote: "One reason I bought my property was it was zoned village center so a small studio/workshop facility could be used to improve the character of the village. Over the past twenty-four years hundreds of people participated in my studio classes. The New York Times ran an article on my studio in Bar Neck as a great getaway for its readers. I heard from many readers of the newspaper, including one in Peru who read the article. Laura Bush purchased a painting for her collection of a house that was painted during one of the workshops. The workshops helped to support the local economy as participants stayed at local hotels and bed and breakfast establishments. They ate at local restaurants as well. It is important that this cultural resource continues and others have the same chance I did for our villages and the citizens of Talbot County." Dr. Smith stated the last couple of years the Tilghman Area Youth Association offered swimming and sailing classes for the local youth. He stated they offered their property for the summer program. He called Zach Smith and asked what is the fate of that program if the zoning changes. Dr. Smith stated they will not be able to carry that type activity out on residential property. It will create additional insurance and other problems. We think this kind of zoning will drive out people who have those kinds of lifestyles. We want to make sure citizens are able to continue their operations. A lot of people use zoning like this to drive out folks who have stuff on their lawn, who might have a working class lifestyle, those are the people who built the village and we want to make sure they continue to have a role in the village. People like Chris Sherman who has Bar Neck Outfitters; we want to make sure he can continue his operations there. Commissioner Fischer asked what he sees in the VR that makes him think that you could not put crab pots on your property? Dr. Smith stated that he has a number of floating blinds that he stores on his property during the off-season. The homes that have sold cannot be replaced for the value they are selling. You know interest rates are going up and they have not seen increased development. Density is not an issue in Bar Neck. Dr. Smith stated he went to the December meeting and Pete Kennedy sat next to him. Pete said to Martin, this community has been sending representatives to meetings and boards since 2007. There is not a single case of anyone requesting VR. All voted for VH or whatever the least restrictive zone we could get. They don't see a reason to take away the rights they have had for 150 years.

Ann Smith, representing Village of Bar Neck, advocate for a VH zoning. These designations can be really difficult to understand. As people are looking at jobs that are not full time, like an art studio, she does not think these are large businesses, but they are part of the community that are valuable. She is interested

468 in their land in farming it without chemicals, heritage greens, and herbs; not super
469 economically viable things. We would like to start small, figure it out, see what
470 works and move ahead in an appropriate manner. It is really difficult to know
471 what the rules are, what is allowed and what is not allowed. Do I need to spend
472 thousands of dollars to do a small activity?
473

474 Commissioner Fischer wanted to reply to some comments that may have implied
475 that the Planning Department has not done a good job here. From his point of
476 view the Department has done a marvelous job and has gone out of their way to
477 understand village preferences and village plans and he is proud of this
478 Department.
479

480 Dr. Smith stated if that was implied by something he said, he did not mean for it
481 to be interpreted in that way. He was just reporting a set of remarks he personally
482 witnessed in December, those remarks he can speak to. The overall job he cannot
483 speak to.
484

485 Larry Smith, not related to any of the other Smiths here, stated he was born and
486 raised in Talbot County. He went to school with Paul Spies and the Cuncell
487 family. He supports Ms. Dawn Andrew's chickens on her property. Why should a
488 neighbor tell her how many chickens she should have on her property? This is an
489 agricultural, waterman, farming area. We need to protect that with all due
490 diligence. With the noise regulation he understands people live near things, but
491 things change and we must change with them. Oxford had a little noise problem.
492 The Town of Oxford spent thousands of dollars to change things. Thank you all
493 for your due diligence and the opportunity to come before you. I am an equestrian
494 like Mr. Spies' Uncle Jimmy. His daughter had a horse in Trappe, which was a
495 thoroughbred; his other daughter had a quarter horse. They got complaints the
496 horse was starving to death. There was a big round bale of hay under the shed, the
497 automatic water tank was filled with water, there was feed in the room, there was
498 beet pulp. The uninformed get attention. Gentlemen you have a tough job ahead,
499 my blessings for what you are doing.
500

501 Frank Cavanaugh, Newcomb, Maryland. This has been a long process on this
502 Zoning Ordinance. You have listened and used a lot of reasoning and thought.
503 There is still a lot of misconception. He has seen nothing where this Commission
504 or Council has tried to put small businesses out in the villages. He complimented
505 the Commission. He stated they have tried to run as many meetings as possible.
506 Planning and Zoning is willing to listen. The Commission and Council all deserve
507 a lot of credit. The Plan is really a plan that represents Talbot County.
508

509 Commissioner Fischer stated the Public Meeting will be continued at 5:00 pm
510

511
512 Commissioner Fischer opened the Public Meeting at 5:00 p.m.
513

Susie Hayward and Dwayne Hillman, Mid-Shore Board of Realtors, spoke regarding Sections 31 and 61, Short Term Rentals. The Mid-Shore Board of Realtors (MSBR) applauds the Planning Commission and Staff's hard work and extensive time drafting regulations. Great consideration was made for common sense change in many areas. MSBR offered written and public comment. It was their hope that the new regulations would be offered fairly equally and with real justification for its citizens. That has not happened with short term rentals. Hundreds of homes provide short term rentals in this County and only a handful of problems were brought to the Planning Commission's attention. Yet out of all these regulations the short term regulations receive the most restrictive, most cumbersome and unfair changes. Regulations that apply to every other industry were specifically altered to short term rentals. Wording in many instances is vague and unclear. The Planning Director is given broad decision making authority with inadequate guidance for the exercise of that discretion. Some of the critical terminology is not defined, leaving the Director to rely on conjecture instead of objective analysis. Using such words as "may impose conditions of approval" and "the conditions may address the following" the Planning Director may impose new conditions, and the term serious or repeated infractions are not defined. Code 61.7, conditions for which the Planning Director may or may not impose sanctions, are not provided. How many infractions and over what amount of time are not provided. Commissioner Fischer stated he could continue reading but the document was in front of the Commission. Mr. Hillman asked to read the document into the record. (A copy of the document is in the Planning and Zoning files for historic record.)

Tracey George is surrounded by several short term rental properties, on her street and across the waterway. Ms. George states she is a full time homeowner. None of the short term rental owners or guests had a negative impact. She has heard activities and noise levels. Most are from her regular neighbors and are the same as some of the short term rentals are engaging in. She thinks it is important you hear from a regular citizen. She understands that regulations are important. She would offer her time to sit in a workshop as a regular citizen.

Ed Heikes, St. Michaels, Talbot County Farm Bureau. Farm Bureau policy is of the opinion that Ag issues have not been issues. He had hoped that the County would keep the same language that was currently there and that they would keep the table of uses the same. In the VR and VH, zone timber harvests would now not be a permitted use. Mr. Salinas stated that previously it was a Special Exception but will now be permitted. Mr. Heikes stated the other issue was the buffer in agricultural land, he had hoped it was to remain the same. There was a permitted ability to have thick saw grass, now the language changed. Commissioner Boicourt stated in talking to the Critical Area people it is a matter in flux. Ms. Verdery stated it was relocated from another section. Mr. Heikes said it is a different type of planting. Ms. Verdery said we will look into it.

Crystal Callahan is here concerning Section 33.11, page 145. She has concerns because this is going to create a financial hardship. She is licensed by the Maryland Department of Agriculture. She currently has, between her chickens, ducks, guineas and turkeys, 75-100 birds. She sells her eggs at the Farmers Market. She also sells the roosters for meat. She has had no complaints. Ms. Callahan stated she has been doing this for about ten years. She is concerned this will affect her income. Her chickens lay 200-300 eggs per year. She lives at 31293 Dukes Bridge Road, 4.65 acres. Her hens are in movable coops. The ducks are enclosed, the guineas are loose and mainly are there to control the bugs for pesticide free produce. Commissioner Boicourt stated they will take a look at this.

Mark Secrist, spoke on the same as Crystal. Previously we did not have limits of chicken on the lots. They raise from 30-50 at any given time on 4 acres. He questions the reason for limiting on large lots. Second is the no rooster rule. They let their chickens out during the day and lock them up during the night. There is a fenced area they are let out in during the day. But if it is nice and they are home they will let them roam. They sell eggs and chickens. Commissioner Councill stated it is a help to give written comments to the Planning Office of what is reasonable, we hear you. Mr. Secrist stated even the City of Annapolis allows 4 hens and a rooster.

Diane Sherwood, lives on 8 acres on Richland lane. Her concern is raising chickens. Her daughter has special needs and the chickens are her project. The chickens lay approximately 20-25 dozen a week. They also have horses which are in the horse lot during the day and penned at night. She is concerned about limiting the numbers of chickens to 25-30 chickens.

Susie Hayward stated she also has chickens and lives on a 42 acre lot with chickens, domesticated geese and guineas. Her peacocks went across the street because her neighbors fed them. When you review the regulations you will see a large parcel can also be in the village area. Free roaming chickens are the most healthy, beneficial way to have your chickens, so long as they aren't running amuck. Usually the flock returns back to the home base every night before sundown. It is not like free roaming chickens roam the neighborhood. She stated she lives in the Cordova Village Center.

Chris Sherman, Tilghman, Bar Neck, stated he is in opposition to any rezoning. He has lived there for 50 years. There is no need for change there at this time. There is increased pressure to get the new septic system. His area is very rural, a few working people. He stated they would like to keep it that way. After what he heard today he might want to raise a few chickens down there.

Jerry Faulkner, Bar Neck, is in opposition of any change to village zoning. It is his understanding that if things change they will no longer be allowed to have boats or trailers in the yard. Mr. Fischer stated that is not true. Ms. Verdery stated that there will no longer be a VC. There will be three new districts VR, VH, and

605 VM. Ms. Verdery stated that when the County Council adopted the
606 Comprehensive Plan they recognized that all twenty-two of our villages did not
607 have the same character. Ms. Vickie Lisher said she was told that they can no
608 longer have their equipment on their property; that will ruin them. Ms. Verdery
609 stated that Village Residential does not prohibit you from storing equipment
610 associated with your business on your property. Ms. Lisher stated, so on record
611 any waterman that lives in Bar Neck can continue his business as he is today? Ms.
612 Verdery stated the Code, as provided today, there has been nothing else suggested
613 as a change that would limit that. Ms. Lisher stated she is an artist and she was
614 told by Martin Sokolich in 2013 that there was already an art studio in Bar Neck
615 so there would not be any reason why she could not. Ms. Verdery stated that VR
616 would allow her to open an art studio.

617
618 Mr. Alan Faulkner stated that he has been a licensed waterman for forty-five years
619 and has boats, pots, fish nets, is a hunting guide and has numerous decoys. He
620 was told he could not have any of those items. Commissioner Fischer assured him
621 he could have these items.

622
623 Monica Audi, St. Michaels, responded to the points from the Board of Realtors.
624 She lives next to a short term rental. She has had damage to her property. The
625 current rules are vague and unenforceable. Although the new rules may not be
626 perfect, they go a long way for the neighbors to have a say and make their
627 concerns know. Any rules have to balance competing interests of property owners
628 versus a large community. She thinks these proposed rules make an attempt to do
629 that. As far as too much administrative discretion, rules of this nature typically
630 require a certain amount of administrative discretion. It is not unusual for
631 discretion to be vested in the agency to make decision within the confines of the
632 agency.

633
634 Truitt Sunderland has lived in Wittman since 1980 and has chickens. He read
635 recently there were changes being made to the regulations. He had Lyme disease
636 and since he has had chickens he no longer has problems with ticks. His chickens
637 are not free range; they have a work release about four hours a day in a fenced
638 area. (Ms. Verdery asked about how many chickens he has. He has about 10 now
639 (depending on the hawks) and he does have a rooster which he recommends
640 because he protects the ladies.

641
642 Howard Callahan, Skipton Road, Cordova. He wanted to discuss wireless
643 communication towers. He sees there have been some changes where we are
644 attempting to get some underserved parts of the County service, such as Cordova.
645 He sees they have lowered the requirement of two carriers down to one. It looks
646 like we are moving in the right direction. He just wanted to express his
647 appreciation for this.

648
649 John Flannigan, owner of former Harrison's Chesapeake, now Wylder Hotel. He
650 stated he has been in the hotel business for 20 years. He has operated hotels in

New York City, Nashville, Tennessee, Santa Monica, Santa Barbara, Palm Springs and San Francisco. All he does is hotels and restaurants. He invested in this property for a lot of reasons. He has been coming to Tilghman for 20 years. He wanted to make the hotel something the Eastern Shore could be proud of. Several of his neighbors and residents are concerned about music levels. Clearly being an operator of hotels, there are easy workarounds. Those concerns were heard on his side. Having some live music during the day would be a good add to provide that Chesapeake experience. He is very involved in the community and wants to do it in a positive way. Commissioner Fischer said if he has experience in the hotel business, maybe he could give some guidance. Mr. Flannigan also spoke about weddings. Before he purchased the property, he had been working on this for a year, cleaning up zoning and land use issues, title, easements and other property problems. He wrote a letter to the County through his attorney about the overregulated issues of only twelve (12) weddings per year. If you really want economic advancement of this community, the number one economic driver is weddings. They are very tasteful and if you look at properties that are very successful economically, they are not under this restriction and very economically viable. The Tidewater Inn in Easton is doing 90 a year. Fridays and Saturdays between April 15th and November 1st, if you don't do weddings you will not be successful. County needs to look at this regulation and change it immediately. Charter fishing is 2-3 months a year. He only wants to do 15-20 weddings a year because he wants the community and other guests to enjoy the property. The average hotel occupancy in Talbot County is 48% which is 28% below the national average. That is because it is highly seasonal and no corporate mid-week business. Weddings, charter fishing and weekend getaways are the money makers. We need to capitalize on what we have today. That regulation needs to change immediately. He stated he is investing millions of his personal money. Albert Einstein said the definition of insanity is doing the same thing over and over again and getting the same result. Commissioner Fischer asked if he would talk to us again about noise. Mr. Flanagan said it was two things: time and decibel levels. Commissioner Councell stated you are talking about outdoor amplified music. Mr. Flanagan asked what about unamplified, just acoustic. Commissioner Councell stated that is fine. Our logic is the special exception process would allow the place and time. Mr. Salinas stated any restaurant in the village district would have to get a special exception, during that process they would have to get a special exception for outdoor music. For outdoor weddings if you wanted to do more than twelve that would require a special exception and if outdoor music was involved with that condition that would have to go through the Board of Appeal process. Mr. Flannigan stated before he came along the property was dilapidated and drug infested; there was so much trash it looked like an episode of hoarders. He is investing all of this money to clean it up and make it better. There needs to be some easy way to do business in this County. He has 53 days to open and he needs help. Mr. Sokolich stated that Mr. Flannigan needed to have some conversations, but they had nothing to do with the Zoning Ordinance. Mr. Flannigan stated the property needed to go to IDA. It is 1,100 feet of waterfront, two marinas, three restaurants, three bars, fifty-four hotel rooms and three houses

697 on it. It is a commercial property. It should be an upscale boutique hotel that the
698 whole community and everyone can come to and enjoy and it shouldn't have all
699 these restrictions on it. Ms. O'Donnell asked if he had pursued any of these issues
700 through the court. Mr. Flannigan stated the court items were a separate bucket.
701 That was something Buddy Harrison was doing in 1988. He stated he is a
702 professional hotelier. He will deal with the court order in short order. He is trying
703 to talk about noise and weddings and all this regulatory madness and start a
704 conversation that will be better for everybody. Ms. O'Donnell wanted to point out
705 that there is a task force being formed to discuss the noise issue. Two members of
706 the Planning Commission will be on the task force.
707

708 Leah Cook, Cordova, here on two issues, one is the chicken issue. Leah owns a
709 6.5 acre lot with 3.5 acres tillable in crop production. She has concerns about the
710 75 foot setback proposed for lots over 5 acres. She would like some consideration
711 to lots of 6-10 acres which are being tilled. Her other concern is that she has
712 recently inherited two farms, one borders Tuckahoe Creek. One is within the
713 critical area of the Creek. She is concerned about the buildable lot restrictions.
714 She cannot understand a lot of the code and restrictions. She would love to sit
715 down with someone. Ms. Verdery stated she could come in and meet with
716 someone or there was a Pre-Application Meeting she could go to.
717

718 Ms. O'Donnell wanted to speak to the short term rental people. The Office of Law
719 is proposing that the proposed Ordinance be amended so that the Planning
720 Director will not be responsible for issuing or suspending licenses. The Short
721 Term Rental Review Board will be similar to the Alcohol Board and will
722 determine if the license will be issued, suspended or revoked. Appeals would also
723 be handled like major subdivisions and major site plans. Decisions would be
724 appealed to the Board of Appeals. That process is a better process and creates
725 administrative efficiency and eliminates the extra review of the Planning Director.
726 It increases the role of the Short Term Rental Review Board. There is procedural
727 fairness; it is a one stop shop for applicants and neighbors to be heard with
728 planning staff input. It is important to be talked about. It is very possible at the
729 workshop there will be additional recommendations.
730

731 Ms. Verdery stated they also want to talk about pathways, the modified buffer
732 area and reduced setbacks for certain locations already developed. We are
733 currently working with the Critical Area on the language. We also have new input
734 from the Critical Area on the proposals for Inn uses in the RC district. Contracting
735 and maintenance is a new category put into the land use. Not sure if it should be
736 put into property maintenance. We have made some amendments to electronic
737 signage to allow signs to change, but they can only change once a day.
738

739 Ms. Verdery stated they met with the Critical Area today regarding growth
740 allocation.
741

742 Ms. Verdery stated there will be a work session on the 21st at 3 p.m.

743

744 **6. Discussions Items**

745 **7. Staff Matters**

746 **8. WorkSessions**

747 **9. Commission Matters**

748 **10. Adjournment**—Commissioner Fischer adjourned the meeting at 6:10 p.m.

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